THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.7002 of 2006

Dated:21st April, 2006

Between:

M.Munaswamy Reddy.

…..PETITIONER

AND

The Chief General Manager, HRD,

Southern Power Distribution Company

Of A.P. Ltd., Corporate Office,

Tirupati & 2 others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P.No.7002 of 2006

ORDER:

Assailing the proceedings of the 2nd respondent dated 28-3-2006 in Memo. No.DE/O/PTR/ADM/JAO/D.No:92/06 placing the petitioner under suspension, the present writ petition is filed.

The brief facts of the case are as follows: The petitioner who is working as Helper in the respondent Corporation was suspended based on the complaint lodged by Vidyut Karmika Sangham on the ground that he joined the Corporation by producing fake and forged educational certificate with false date of birth.

It is the case of the petitioner that the action of the respondent in suspending him based on the enquiry conducted behind his back is arbitrary and illegal and the plain reading of the enquiry report submitted would show that the report of the enquiry officer is based on no evidence and the impugned proceedings are passed without calling for the explanation of the petitioner and such action of the respondent in placing the petitioner under suspension is illegal and arbitrary and prayed that the impugned order be set aside.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the impugned order.

It is seen that pending disciplinary enquiry the suspension order is passed on 28-3-2006 and it is less than a month's time from then. Therefore, I see no reason to interfere with the impugned order. The contention of the petitioner that the suspension order is illegal and not valid and no opportunity was given to the petitioner to explain before passing the impugned order and there is no need to suspend the petitioner pending enquiry has to be gone into by the disciplinary authority on a representation filed by the petitioner.

In that view of the matter, the writ petition is disposed of as under.

The petitioner is at liberty to file a representation to the authority for revoking his suspension. The grounds urged in the writ petition can also be raised in the in the representation to be filed before the authorities. No costs.

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(N.V. RAMANA, J.)

Date:21st April, 2006.

GRK